

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

BIOMÉRIEUX, S.A., BIOMÉRIEUX, INC.,)	
)	
)	
Plaintiffs,)	
)	
v.)	Case No. 1:17-cv-102
)	
HOLOGIC, INC., GRIFOLS, S.A.,)	
GRIFOLS DIAGNOSTIC SOLUTIONS)	
INC.,)	
)	
)	
Defendants.)	

**CONSENT MOTION FOR ORDER REGARDING
PLAINTIFFS' ALTERNATIVE MOTION TO TRANSFER TO DELAWARE**

Plaintiffs bioMérieux, S.A. and bioMérieux, Inc. respectfully request that the Court enter an order granting Plaintiffs' alternative motion to transfer this case to the District of Delaware. In support of this motion, Plaintiffs state the following:

1. Defendants moved to dismiss this action for improper venue. Docket No. 43 (June 9, 2017). Plaintiffs opposed the motion, Docket No. 48 (June 30, 2017), but moved in the alternative for an order transferring the case to the District of Delaware, Docket No. 49 (June 30, 2017).

2. Defendants have consented to Plaintiffs' alternative motion to transfer. Therefore, Plaintiffs respectfully request that the Court enter the attached proposed order granting the consented-to alternative motion to transfer and directing the Clerk of the Court to transfer the case to the District of Delaware.

3. Defendant Grifols S.A. (“GSA”) has a pending motion to dismiss this action pursuant to Rule 12(b)(2) of the Federal Rules of Civil Procedure for lack of personal jurisdiction. Docket No. 26 (May 2, 2017). In support of its motion, GSA contends that it lacks relevant jurisdictional contacts with both the State of North Carolina and the United States as a whole. For substantially the same reasons, GSA contends that the District of Delaware also lacks personal jurisdiction over GSA. By consenting to transfer of this action to the District of Delaware, GSA does not consent to the exercise of personal jurisdiction over GSA by the transferee court. The parties agree that GSA’s personal jurisdiction defense is expressly preserved and may be raised by GSA in the transferee court.

4. Counsel for Plaintiffs has contacted counsel for Defendants, who advised that Defendants consent to the filing of this motion and the relief sought therein.

WHEREFORE, Plaintiffs respectfully request that the Court enter an order granting Plaintiffs’ unopposed Alternative Motion to Transfer to Delaware.

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& JERNIGAN, L.L.P.

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December 11, 2017

**CERTIFICATE OF COMPLIANCE
WITH TYPEFACE AND WORD-COUNT LIMITATIONS**

I HEREBY CERTIFY on this 11th day of December, 2017, pursuant to this Court's Local Rule 7.3(d)(1), that the forgoing Consent Motion for Order Regarding Plaintiffs' Alternative Motion for Transfer contains 314 words.

/s/ Michael W. Mitchell
Michael W. Mitchell

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of December, 2017, the foregoing materials will be filed with the Court and sent to all counsel of record by operation of the Court's electronic filing system.

/s/ Michael W. Mitchell
Michael W. Mitchell